

AO 450 (Rev. 5/85) Judgment in a Civil Case ⊕

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UNITED STATES DISTRICT COURT

\*\*\*\*\* DISTRICT OF NEVADA

STEVE MICHAEL COX,

Plaintiff,  
V.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: **3:08-CV-00110-RCJ-VPC**

GLEN WHORTON, et al.,

Defendants.

\_\_\_ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

\_\_\_ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

X **Decision by Court.** This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED** that Defendants' Motion to Dismiss (#11) is **GRANTED** as to : 1. All claims against defendants Miller, McDaniel, MacArthur, Whorton, D'Amico, Endel, and Tripp, including those in Counts V, VII, and VIII; 2. All claims brought against all remaining defendants in their official capacities for money damages; 3. Count V - all claims against all defendants. These claims are barred by the doctrine of *res judicata*; and, 4. Count VIII - Plaintiff's Eighth Amendment claims against defendant Lemich with regard to the November 2, 2005 alleged denial of medical care. Plaintiff failed to exhaust his administrative remedies.

**IT IS FURTHER ORDERED** that Defendants' Motion to Dismiss (#11) is **DENIED** as to: 1. Counts 1 and II; 2. Count VII - Plaintiff's claims against defendant Bishop; and 3. Count VIII - Plaintiff's First and Eighth Amendment claims against defendant Lemich with regard to the July 26, 2006 alleged retaliatory denial of medical care.

October 30, 2009

**LANCE S. WILSON**  
Clerk

/s/ D. R. Morgan  
Deputy Clerk